

Minutes
Nottingham Selectmen's Meeting
July 16, 2012

6:30 PM Chair Bonser opened the meeting and asked all those present to stand for the Pledge of Allegiance.

Members Present: Mary Bonser, Hal Rafter and Mark Carpenter.

Others: Charles A. Brown – Town Administrator, Dawn Wirkkala – Secretary

PEG Thank you letter: Mr. Carpenter reviewed a thank you letter which would be distributed to the participants who assisted in getting the new PEG Channel 22 equipment. Their assistance was very helpful and is much appreciated.

Motion: Motion by Mr. Carpenter, second by Mr. Rafter to sign and send the thank you letter to the individuals who participated in getting the new system set up.

Vote: 3 – 0 in favor.

OUTSTANDING MINUTES:

Discussion of the June 18, 2012 minutes took place regarding action items needing completion. Mr. Rafter stated he would discuss the concern regarding the new Ledge Farm Road intersection with the Planning Board and Mr. Carpenter stated the board should get back to Mr. Claxton regarding the issue with an answer. Chair Bonser mentioned a change in possible action on the proposal from Mr. Terninko and Mr. Danais about tax abatement and tax deferral, which has since been addressed.

Motion: Motion by Mr. Rafter, second by Mr. Carpenter to approve the minutes of the June 18, 2012 meeting as written.

Vote: 3 – 0 in favor.

Discussion of the July 2, 2012 minutes took place regarding corrections to the minutes and action items needing completion. There was significant discussion regarding the conversation with Mr. Diers, of NH DES, and the need to provide him the Nottingham questions and concerns regarding the Pawtuckaway summer and winter draw downs, in addition to getting the agreed upon items from Mr. Diers. It was determined letters would be drafted to Attorney Donovan and Mr. Diers requesting and/or providing additional information regarding the Pawtuckaway draw down. Chair Bonser and Mr. Carpenter wanted to make sure the level of their concerns regarding these issues were clearly understood in the minutes and their requests for specific action by NH DES, Nottingham, and the Attorney was listed precisely in the minutes.

Motion: Motion by Chair Bonser, second by Mr. Carpenter to approve the minutes of the July 2, 2012 meeting as amended.

Vote: 2 – 0 in favor. Mr. Rafter abstained.

July 2012 Attorney Donovan letter: Mr. Carpenter reviewed that the letter was in response to questions asking for clarification regarding the vesting against the two year work completion zoning provision enacted in 2010 and if health and safety problems preclude vesting.

Attorney Donovan's letter responded, regarding the vesting dates that while the statutory law would suggest the vesting dates have come and gone, there is a common law "substantial construction" versus "substantial completion," or common sense ruling, the NH Supreme Court has utilized in previous cases brought before them and they override the statutory law regarding vesting, and therefore it doesn't appear to be a consideration. However, in regards to the health and safety issues, in order for something to be vested it must have a subsequent ordinance, that specifically addresses protecting health and safety issues and this might allow the vesting of the special zoning exception. Mr. Brown stated the original water quantity and quality testing results should be located and researched.

Minutes
Nottingham Selectmen's Meeting
July 16, 2012

Attorney Donovan continued that RSA 674:39 may give Nottingham a path to utilize for protecting the water. Chair Bonser asked to have detailed information provided to Attorney Donovan which can be reviewed with the specific request for suggested wording for a new section or amendment to the water ordinance regarding health and safety concerns.

Mr. Rafter asked if Attorney Donovan has ever previously suggested the option of adopting a new ordinance. Mr. Brown stated the attorney became involved late in the USA Springs process and only to answer specific technical/permitting questions. Mr. Carpenter stated an attorney will not state what you should do, but will state what you can't do, and offer possible suggestions for actions that might be able to be taken; Attorney Donovan suggested potential actions of the Town, based on existing statute, as far back as 2010, and therefore action should be taken for language on a health and safety ordinance.

MANIFEST SIGNATURE:

Motion: Motion by Mr. Carpenter, second by Mr. Rafter to approve the 7/16/12 manifest for payment on 7/20/12.

Vote: 3 – 0 in favor.

DEPARTMENT REPORTS:

Highway Department: Paving began today, Monday, on Mill Pond along with prep work continuing on Church Street and Halls Way, Tuesday will pave Church Street, Halls Way and the end of Flutter, and Wednesday will pave Mitchell Road toward the Lee Town line, Friar Tuck, and if possible Sutton.

Solid Waste: Mr. Brown stated he had a visit from Waste Management and received information about their new Bagsters program. They are larger heavy duty bags, similar to regular small dumpsters. They are purchased for \$29.95 at local stores, with a pickup by Waste Management at the individual's home for disposal at a cost of \$164.00. Waste Management stated it could help with a reduction of construction debris disposal costs. Nottingham will be given 50 bags to distribute, as it sees fit, along with \$10.00 coupons for residents to use. Mr. Carpenter stated the distribution of these bags should include an agreement from Waste Management for a reduction of fees to the town to promote the Bagster's program.

Police Department: Police Chief Foss proposed that he would purchase a new trailer for the Police ORHV as a gift and asked what the Selectmen wanted to do with the older smaller trailer. Mr. Brown stated the older trailer is too small for other departments to use or they may already have a trailer in use, but it might be able to be used at the Recycling Center. Chair Bonser stated if the smaller trailer is not needed, it should be put up for sale. Chair Bonser was willing to accept the gift from the Chief, but if the intent is because he doesn't feel the money is in the budget, it should be reviewed. Mr. Rafter stated he would rather the Town pay for the item if there is the need and money in the budget versus asking for a private purchase, although it is a wonderful gift. Mr. Carpenter stated citizens should thank the Police Chief for his positive actions.

Town Office: Mr. Brown stated an email was received from a citizen living on Round Pond Road asking for installation of a portable toilet. This would be for when people use the state park and hopefully stop the use of privately owned land in the area as personal toilets. Chair Bonser requested the Town to write a letter to the state requesting a portable toilet to keep private areas clean. Mr. Brown stated a letter would be drafted.

Channel 22/PEG: The Selectmen were asked to consider who, what, and when things should be aired and re-aired on Channel 22 for Town Boards and Committees, and citizens. Will the PEG

**Minutes
Nottingham Selectmen's Meeting
July 16, 2012**

Policy need changes, and will the Town PEG Policy apply to the school or will the school have their own? Mr. Brown reiterated only one recording can take place at one time once the second channel goes on line. Mr. Carpenter stated Comcast, as of 3 weeks ago, has started planning the process for installing the second channel which will take place over the next couple of months. An additional call will be needed to Comcast to establish where the actual live video feeds come from and end in order to set up the new equipment correctly. Mr. Brown stated he has received a concern from the Town IT specialist about opening the ports and is suggesting possible alternatives. Mr. Carpenter stated he would review the information with the IT advisor.

SIGNATURE FILE:

	Signature Item/Subject	From	Signed By
1.	MV Registration Refund - Demas	SW	All
2.	Deadline for 2011 Tax Lien Extension	WG	All
3.	Wage Histories	MC	All

Mr. Brown stated there is a lien extension request letter from the Tax Collector about the 2011 tax lien date.

Motion: Motion by Mr. Rafter, second by Mr. Carpenter to extended the lien date by three business days from August 30 to September 4, 2012.

Vote: 3-0 in favor.

Chair Bonser reviewed the registration refund request received by the Town Clerk.

Motion: Motion by Chair Bonser, second by Mr. Carpenter to refund the \$40 registration made in error as recommend by Town Clerk.

Vote: 3-0 in favor.

Chair Bonser reviewed that the wage history forms need to be initialed by the Selectmen for the summer camp councilors, and all forms were signed.

APPOINTMENTS: 7:00 pm: , 7:15 pm: , 7:30 pm: **There were no appointments.**

NON-PUBLIC SESSION: The Board entered non-public under RSA 91-A:3 II(d).

8:09 PM Motion: Motion by Chair Bonser, second by Mr. Carpenter to enter non-public under RSA 91-A:3 II(d).

Roll Call Vote: Rafter – Yea, Carpenter – Yea, Bonser – Yea. 3 – 0 in favor.

8:30 PM Motion: Motion by Chair Bonser, second by Mr. Carpenter to leave non-public session and return to public session.

Vote: 3 – 0 in favor.

Motion: Motion by Chair Bonser, second by Mr. Rafter to seal the non-public minutes.

Roll Call Vote: Rafter – Yea, Carpenter – Yea, Bonser – Yea 3 – 0 in favor.

ADJOURNMENT: Having no further business,

8:32 PM Motion: Motion by Mr. Carpenter, second by Mr. Rafter to adjourn.

Vote: 3-0 in favor.

Respectfully Submitted,

Dawn Wirkkala